

U.S. DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
'04 AUG 20 11P

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN

SHAHEED TAALIB'DIN MADYUN,
BETTY LOU MAQDYUN and
LARRY KISER,

Plaintiffs,

v.

Case No. 04-C-0343

LEMON, CAROL COOK, VAN RYAN, JUDY
SMITH, JON E. LITSCHER, KENNETH
KELLER, VERN PONTO, MARTY
SCHROEDER, LIZ LEMERY, VAN GHEEM,
SUE KRUEGER, CHRIS KRUEGER, WENDY
BRUNS, SHERRY FASSBENDER, CAPTAIN
JONES, ANGIE WOOD, PETER ERICKSEN, J.
SCHWOCHERT, etal.,

Defendants.

DEFENDANTS' MOTION TO PARTIALLY DISMISS ACTION

Defendants move the court to partially dismiss this action on the ground that plaintiff
Shaheed Madyun has failed to exhaust his administrative remedies with respect to all but one of

his claims and that plaintiff Betty Lou Madyun has not alleged an Eighth Amendment claim.

Dated at Madison, Wisconsin this 19~~th~~ day of August, 2004.

Respectfully submitted,

PEGGY A. LAUTENSCHLAGER
Attorney General

A handwritten signature in black ink, appearing to read 'J. Glinski', with a stylized flourish at the end.

JOHN J. GLINSKI
Assistant Attorney General
State Bar #01014024

Attorneys for Defendants

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U.S. DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CASE NAME: *Shaheed Taalib'Din Madyun, et al. v. Lemon, et al.*

CASE NO: *U.S. District Court Case No. 04-C-0343* AUG 20 04 18

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MAIL ROOM

CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is employed in the office of the Department of Justice of the State of Wisconsin in the capacity of legal secretary and is a person of such age and discretion to be competent to serve papers.

That on the 19th day of August, 2004, she served a copy of the enclosed:

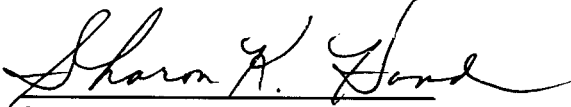
1. **Defendants' Motion to Partially Dismiss Action;**
2. **Defendants' Brief in Support of Motion to Partially Dismiss Action; and**
3. **Affidavits of James Zanon, William Noland and Kathleen Bierke**

by placing said copies in the United States Mail, postage paid, addressed to the person hereinafter named at the places and addresses hereinafter stated, which are the last known addresses of said person.

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**Shaheed T. Madyun #75225
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**Betty Lou Madyun
Post Office Box 12582
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Sharon K. Hand